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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION, STATE OF UTAH**

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JAMES DEMARCO, ET AL.

Plaintiffs,

vs.

MICHAEL LAPAY, ET AL.

Defendants.

**DECLARATION OF MICHAEL  
LAPAY REGARDING PRODUCTION  
OF EMAILS**

Case No. 2:09-CV-00190

Judge Ted Stewart

The undersigned, Michael LaPay, testifies and declares as follows:

1. I, Michael LaPay, am a minority owner of the entity Paladin Development Partners, LLC ("Paladin"). In my role as a member of Paladin, I was involved in the development of the Silver Star project, and have personal knowledge of the facts stated herein.

2. In preparing responses to discovery requests in this case, I have been asked by my attorney to gather all emails I have related to the Silver Star project.

3. As I testified in my deposition, I typically communicated with people by telephone or in person during the course of the Silver Star project, and I did not use email very

often. It is my belief that copies of most of the emails I did send or receive were archived in printed form in Paladin's project files.

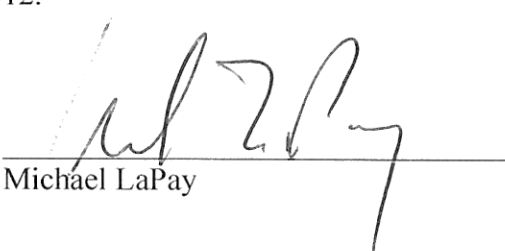
4. I searched through all the emails I have on my computer and on my email provider's site for emails related to the Silver Star project. I located a handful of additional emails which I turned over to my attorney for production.

5. As I explained in my deposition, I have changed computers several times over the years. In addition, I do not believe my email provider archives emails indefinitely.

6. Paladin has made its complete project files available to Plaintiffs. I have not concealed or failed to produce any emails related to the Silver Star project.

I HEREBY DECLARE under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED this \_\_\_\_ day of January, 2012.

  
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Michael LaPay